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EXAMINER

CLARKE, YVETTE M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1752     | 3            |

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/712,182

Applicant(s)

SUZUKI ET AL.

Examiner

Yvette M Clarke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/15/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. This is written in reference to application number 09/712182 filed on November 15, 2000.

#### *Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner what the applicant is claiming in regard to the liquid-absorbing rate. The examiner has interpreted the claims to pertain to having an absorbing rate at 0.1 seconds that is 60% or more than the absorbing rate at 0.2 seconds. However, the claims as written are unclear. Clarification is requested.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 9, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by De Rycke (US 4,75,614A). De Rycke teaches a method for fixing a

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developed photographic silver halide emulsion layer material which involves the steps of (1) developing an image-wise exposed silver halide emulsion layer with a developing agent in the presence of an aqueous alkaline liquid; (B) bringing the developed material while still wet into intimate contact with a water absorbing layer of a receptor element; (C) maintaining said photographic material and receptor element in contact to allow the transfer of dissolved complexed silver compound into said receptor element; and (D) separating the photographic material from the receptor element (see abstract; c. 1, l. 64-c. 2, l. 23). The said receptor element comprises an organic hydrophilic colloid binder, a silver halide complexing agent and a dispersed metal sulphide, which is capable of precipitating silver ion s as silver sulphide. The said layer is free of silver halide developing agent. The average grains size of the said sulphide is below  $0.1\mu\text{m}$  at a coverage of at least  $5\text{ mmole/m}^2$ . The coverage of the complexing agent being not lower than  $0.5\text{ mmole/m}^2$  (c. 3, l. 61-c. 4, l. 4). Suitable hydrophilic organic colloids as binding agents in the water absorbing layer include gelatin, polyvinyl alcohol, polyvinyl pyrrolidinone, polyacrylamide, methyl cellulose and carboxymethyl cellulose (c. 5, l. 8-16). The said binding agents can be used in admixture with colloidal silica, which allows a faster diffusion of complexed silver halide (c. 5, l. 30-33). The liquid used for carrying out the development of the photographic material maybe applied in any way known to those of ordinary skill, such as by dipping or spraying (c. 5, l. 58-61). De Rycke further exemplifies the taught invention in examples 1-5. Example 5 teaches a reception sheet having a coating composition comprising a polyvinyl alcohol binder, ZnS slurry, and colloidal silica dispersion. It is the examiner's position that the said polyvinyl alcohol

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binder meets the limitations of a peeling means, which has a liquid absorption rate at 0.1 seconds that is 60% or more than the said rate at 0.2 seconds. De Rycke is silent on the subject of liquid absorption, however polyvinyl alcohol is taught by the applicant to be a suitable binder for the said peeling mean (spec. pg. 19, l. 1-10). Therefore, the examiner is of the position that polyvinyl alcohol, as well as the other binders taught by De Rycke as suitable, would inherently have an absorption rate of a liquid absorption rate at 0.1 seconds that is 60% or more than the said rate at 0.2 seconds. Example 5 teaches that said receptor sheet has a dispersion of fine particles wherein ZnS is present in the amount of 9 mmole/m<sup>2</sup>, and SiO<sub>2</sub> is present in the amount of 5g/m<sup>2</sup> (c. 11, l. 35-51). The total amount of fine particles dispersed in the said receptor sheet is well above the claimed 5 g/m<sup>2</sup> of instant claim 4. In regard to instant claim 9, the claim as written does not exclude the presence of a silver light sensitive material. The prior art teaches that the silver halide emulsion material contains together with the necessary developing agent(s), a thermosensitive base releasing agent (c. 3, l. 33-42). Thereby meeting the limitation of a light sensitive layer having a non-silver light sensitive material.

7. Claims 14-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Coppens et al. (US 5273858 A). Coppens teaches a method of making a lithographic aluminum offset printing pate comprising the steps of (a) photo-exposing a photosensitive monosheet layer assemblage comprising a hydrophilic grained and anodized aluminum foil, an intermediate layer and at least one silver halide emulsion layer; (b) applying an aqueous alkaline solution to the photo-exposed silver halide layer

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in the presence of at least one developing agent and at least on silver halide solvent to form a silver image and to allow unreduced silver halide to diffuse imagewise from the developed silver halide layer to the said aluminum foil; and (c) separating the said emulsion layer and said intermediate layer from the imaged hydrophilic grained and anodized aluminum foil (c. 3, l. 28-52). The said intermediate layer comprises hydrophobic polymer beads prepared by polymerization of at least one ethylenically unsaturated monomer and having an average diameter not lower than  $0.2\text{ }\mu\text{m}$ . The taught step (c) is can be accomplished by several methods. One of which is by bringing the monosheet layer assemblage with its side showing said emulsion layer in contact with a receiving means. The receiving means is applying while after the application of the alkaline solution and removed after the silver image has been formed. The emulsion layer and the intermediate layer is wet with the said alkaline solution and has an adherence to receiving means that is stronger than that to the imaged aluminum foil. The receiving means along with the said emulsion and intermediate layer is then peeled from the imaged hydrophilic foil (c. 3, l. 55-c. 4, l. 2). Coppens teaches that the silver halide emulsion layer can be any photosensitive silver halide emulsion comprising a hydrophilic colloid binder. The silver halides maybe silver chloride, silver bromide, silver chlorobromiodide and the like (c. 15, l. 62-67). The said binder can be gelatin, polyvinyl alcohol, polyvinyl pyrrolidone, polyacrylic acid and derivatives thereof (c. 16, l. 59-68). Example 1 exemplifies a silver halide emulsion layer comprising a cadmium-free gelatin silver chlorobromiodide emulsion layer wherein the silver halide is coated in the amount corresponding to  $2.40\text{ g of silver nitrate/m}^2$  and the gelatin (colloid binder)

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being  $1.58/m^2$  (c. 26, l. 29-47). It is the examiner's position that this exemplifies an emulsion layer having 70% or less hydrophilic colloid (i.e., gelatin) based on the silver halide in terms of silver nitrate.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Rycke as applied to claims 1-6, 9, 12 and 13 above. De Rycke teaches that the photographic material and the receptor element as discussed above, are maintained in contact to allow the transfer of the dissolved complex silver compound into the said receptor element. Although De Rycke fails to discuss a specific time range, one of ordinary skill in the art would expect the time range to fall within 3-5 seconds. It would have been obvious to one of ordinary skill in the art in light of the teachings of De Rycke to establish a time range, which would give optimal results.

10. Claims 1-3, 5, 9-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coppens ('858) as applied to claims 14-15 above. Coppens, as discussed above, (p. 7) teaches a method of making a lithographic printing plate. Coppens the said printing plate comprising a grained and anodized aluminum support, an intermediate layer and a silver halide emulsion layer. Coppens further teaches the use of a supplemental hydrophilic colloid layer which can be coated on top of the silver

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halide emulsion layer remotest from the said aluminum foil. It is the examiner's position that this supplemental layer constitutes a protective layer. Coppens teaches that the said receiving means can be paper or a film base coated with a hardened gelatin layer comprising a matting agent (c. 24, l. 63-c. 25, l. 2). It is the examiner's position that the said gelatin binder meets the limitations of a peeling means, which has a liquid absorption rate at 0.1 seconds that is 60% or more than the said rate at 0.2 seconds. This position is supported by the applicant's own disclosure which teaches that gelatin is a suitable binder for the said peeling means (spec. pg. 19, l. 1-10). Therefore, the examiner is of the position that the said gelatin binder would inherently have an absorption rate of a liquid absorption rate at 0.1 seconds that is 60% or more than the said rate at 0.2 seconds. Furthermore, the taught matting agent constitutes a dispersion of fine particles as claimed by the applicant in instant claims 3 and 5. One of ordinary skill in the art would have been motivated by the teachings of Coppens to make a lithographic printing plate which comprises exposing a silver halide emulsion layer on an anodized aluminum support, developing with a developing solution and peeling the said emulsion layer from the said support, wherein the plate comprises a protective layer on the silver halide emulsion layer in order to obtain sharp high quality prints by a method which is convenient and ecologically and economically improved (c. 3, l. 17-27).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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- Saikawa et al. (US 54278589 A) which teaches a lithographic printing plate material comprising a grained and anodized aluminum support and a silver halide emulsion layer.
- Coppens et al. (US 5362602 A) which teaches a method of making lithographic aluminum offset printing plates.
- Coppens et al. (US 5068165 A and US 5213943 A) which teaches a process of making lithographic aluminum offset printing plates according to a DTR process.
- De Rycke (US 4888267 A), which teaches a method for processing a photographic material.
- De Rycke (US 4830949 A), which teaches a method of processing a photographic silver halide emulsion material.
- Watkiss (US 4567131 A), which teaches a lithographic printing plate having metallic silver image areas, treated with proteolytic enzyme and oleophilizing compounds to improve ink receptivity.
- Futaki et al. (US 3728114 A) which teaches direct positive sheets and offset printing plates produced therefrom.
- Henn et al. (US 3103437 A) which teaches a process for hardening photographic emulsions with organic diisocyanates.
- Coles et al. (US 3100704 A) which teaches photographic materials containing carbodimides.
- Burness et al. (US 3091537 A), which teaches the hardening of photographic layers.
- Yudelson et al. (US 3017280 A) which teaches a process for hardening the coating of polymers containing carboxyl groups.
- Allen et al. (US 2983611 A) which teaches gelatin compositions containing hardeners.
- July et al. (US 2732316 A) which teaches the hardening of gelatin.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvette M Clarke whose telephone number is 703-305-0589. The examiner can normally be reached on Monday-Thursday 7-5:30.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1193.

ymc

March 21, 2002

  
JANET BAXTER  
SUPERVISORY PATENT EXAMINER  
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